

REPUBLIC OF LITHUANIA
LAW ON
ENVIRONMENTAL IMPACT ASSESSMENT OF THE PROPOSED ECONOMIC
ACTIVITY

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Article 8. Environmental Impact Assessment Programme

1. In the cases referred to in Article 3(1) of this Law, the organiser of a proposed economic activity shall have the right to decide to draw up an environmental impact assessment programme (hereinafter referred to as ‘the programme’) or a notice on the commencement of an environmental impact assessment. The programme shall be compulsory if a cross-border environmental impact assessment of the proposed economic activity has to be carried out on the grounds referred to in Article 10(3) of this Law and the submission of the programme to another State is determined by international agreements concluded between the Republic of Lithuania and another State.

2. The programme sets out the content of the report and the issues that must be addressed.

3. The drafter of environmental impact assessment documents shall submit a programme drawn up in accordance with the procedure laid down by the Minister for the Environment to the entities of the environmental impact assessment for the purpose of obtaining conclusions, and shall inform the public and the competent authority about the programme.

4. The competent authority shall publish the information on the programme within 3 working days of its receipt in accordance with the procedure laid down by the Minister for the Environment. The date of receipt of information on the programme by the competent authority shall be deemed to be the start of the environmental impact assessment, unless, before the date of receipt of that information, the competent authority has received a notification of the commencement of an environmental impact assessment in accordance with the procedure laid down in Article 9 of this Law.

5. The EIA entities shall examine the programme, evaluate the information contained therein and submit reasoned conclusions to the drafter of the environmental impact assessment documents within 10 working days of its receipt. Environmental impact assessment entities responsible for fire and civil protection, protection of immovable cultural property, having regard to the scale, nature, local and environmental characteristics of the proposed economic activity, have the right to indicate, when drawing conclusions on the programme, whether they will examine the report. If the environmental impact assessment entities responsible for fire and civil protection, the protection of

immovable cultural property, indicate that they will not examine the report, they shall not be notified of the report.

6. If, prior to the approval of the programme, but no later than 20 working days after the date of receipt of the programme within the municipal executive body, the Council of the municipality in whose territory the economic activity is planned, acting on the basis of the Law on Local Self-Government of the Republic of Lithuania and other laws establishing the competence of municipalities within the limits of the established competence, adopts a negative reasoned decision on the feasibility of the proposed economic activity, the environmental impact assessment procedures may not continue until the negative reasoned decision adopted by the municipal council is in force, except where the proposed economic activity is recognised as a project of importance to the State or a project of regional importance or the proposed economic activity is necessary for the implementation of a project of national or regional importance. The municipal administration shall immediately — within 3 working days — inform the competent authority and the organisers of the proposed economic activity of the negative reasoned decision taken by the municipal council and shall at the same time submit a negative reasoned decision of the municipal council. Upon receipt of this decision of the municipal council, the competent authority shall inform the public thereof in accordance with the procedure laid down by the Minister for the Environment.

7. The public concerned shall have the right to submit proposals for a programme to the competent authority and to the organiser of the proposed economic activity or to the drafter of the environmental impact assessment documents within a specified time limit for the submission of proposals, which shall be at least 10 working days from the date of publication of the information on the programme received by the competent authority.

8. Environmental impact assessment entities shall have the right to submit reasoned requirements to the drafter of environmental impact assessment documents to supplement or amend the programme. In such cases, the drafter of the environmental impact assessment documents shall supplement or amend the programme and resubmit it to the EIA entities who, within 5 working days of its receipt, shall examine the programme, assess the information contained therein and submit reasoned conclusions to the drafter of the environmental impact assessment documents.

9. The drafter of environmental impact assessment documents together with the organiser of the proposed economic activity shall submit the assessment of the proposals of the public concerned, the conclusions of the entities of the environmental impact assessment and the programme to the competent authority for examination.

10. Within 10 working days of receipt of the programme, the competent authority, having examined and assessed the programme and the proposals submitted jointly by the interested public and on the basis of the conclusions of the environmental impact assessment entities, shall approve the

programme or submit reasoned requirements to the drafter of the environmental impact assessment documents to supplement and/or amend the programme. The approved programme and its information shall be published by the competent authority in accordance with the procedure laid down by the Minister for the Environment. The programme shall be valid for 3 years from the date of its approval. The report shall be submitted to the environmental impact assessment entities before the expiry of the programme.

11. If the Competent authority has submitted reasoned requests for the amendment or completion of a programme in accordance with paragraph 10 of this Article, the Competent authority shall approve it within 5 working days of receipt of the revised or supplemented programme after examining and evaluating the programme.

12. Where a proposed economic activity is subject to transboundary environmental impact assessment procedures in accordance with Article 10 of this Law, the programme shall be approved only after receipt of the opinion of the coordinating authority referred to in Article 10(4) of this Law on the assessment of transboundary effects on the environment.

Article 9. Notice of the commencement of the environmental impact assessment

1. The preparation of a notice on the commencement of an environmental impact assessment (hereinafter ‘notice of the commencement of an EIA’) is mandatory when, in accordance with the provisions of Article 3(1) of this Law, the assessment of the environmental impact of the proposed economic activity is mandatory and the organiser of the proposed economic activity decides not to draw up a programme.

2. The notice of the commencement of an EIA shall be drawn up by the organiser of the proposed economic activity or the drafter of the environmental impact assessment documents. The form and content of the notice of the commencement of the EIA shall be approved by the Minister for the Environment.

3. The organiser of a proposed economic activity or the drafter of environmental impact assessment documents shall submit a notice of the commencement of the EIA not later than 15 working days before the public is informed of the public hearings in accordance with the procedure laid down in Article 11(3) of this Law, to the entities of the environmental impact assessment and to the competent authority, which shall publish the information received within 3 working days from the date of receipt of the notice of the commencement of the EIA in accordance with the procedure laid down by the Minister for the Environment and inform the public in accordance with the procedure laid down by the Minister for the Environment. The date of receipt of the notice of the commencement of the EIA by the Competent authority shall be deemed to be the start of the Environmental Impact Assessment.

4. The competent authority and the entities of the environmental impact assessment shall have the right to submit reasoned proposals to the organiser of the proposed economic activity or to the drafter of the environmental impact assessment documents within 10 working days from the date of receipt of the notice of the commencement of the EIA. The public concerned shall have the right to submit proposals to the competent authority and to the organiser of the proposed economic activity or to the drafter of the environmental impact assessment documents within 10 working days of the date on which the notice of the commencement of the EIA is published by the competent authority. The drafter of environmental impact assessment documents together with the operator of the proposed economic activity shall submit an assessment of the proposals received in the report.

5. The report shall be submitted to the EIA entities no later than 3 years after the date of notice of the commencement of the EIA to the EIA entities and the competent authority.

Article 11. Environmental Impact Assessment Report

1. The drafter of the environmental impact assessment documents shall draw up the report on the basis of a programme approved by the competent authority or, if a notification of the commencement of an EIA has been submitted, taking into account the proposals received in accordance with the procedure laid down in Article 9(4) of this Law. The requirements for drawing up the report shall be approved by the Minister for the Environment.

2. The drafter of environmental impact assessment documents may use relevant information obtained during the strategic environmental assessment or other assessment for the preparation of a report.

3. After preparing the report, the drafter of the environmental impact assessment documents shall organise public hearings in accordance with the procedure laid down by the Minister for the Environment, informing the public about the hearings no later than 20 working days before it. The public shall have the right to access the report and submit proposals to the competent authority and to the drafter of the environmental impact assessment documents before and during the public hearings, and by the deadline referred to in paragraph 10 of this Article.

4. The drafter of environmental impact assessment documents together with the organiser of the proposed economic activity shall, in accordance with the procedure laid down by the Minister for the Environment, evaluate the proposals of the public concerned and, if necessary, revise the report and submit it to the environmental impact assessment entities together with the proposals of the public concerned and the evaluation of those proposals.

5. The entities of the environmental impact assessment shall examine the report, evaluate the report, the proposals of the public concerned and the assessment of the proposals of the public concerned and, in accordance with the competence referred to in Article 6(5) of this Law, submit to

the drafter of the environmental impact assessment documents reasoned conclusions on the environmental impact of the report and the proposed economic activity or comments and proposals in accordance with the procedure laid down in paragraph 7 of this Article within 20 working days from the date of receipt of the report, and 15 working days from the date of receipt of the report for a report on a proposed economic activity classified in the overriding public interest and considered important for public safety. In the reasoned conclusions, the EIA entities must indicate: reasons based on the requirements of legal acts for approval or disapproval of the proposed economic activity; which specific alternative(s) support(s) or disagree if alternatives have been examined in the report; conditions based on the requirements of specific legal acts to be fulfilled before the start of the activity and/or during the completion of economic activities and/or economic activities and to provide a reasoned opinion on the assessment methods, results, quality of the report and proposed measures to prevent, reduce, compensate for or restore the expected significant adverse effects on the environment. The form of conclusions on the environmental impact of the proposed economic activity shall be established by the Minister for the Environment.

6. If the programme has not been drawn up and if, before the adoption of a decision on the proposed economic activity, but no later than within 20 working days from the date of receipt of the report in the municipal executive body, the proceedings shall be suspended in accordance with the procedure laid down in Article 8(6) of this Law, except in the cases of the exception provided for in Article 8(6) of this Law.

7. Environmental impact assessment entities shall have the right to submit reasoned requirements that the drafter of the environmental impact assessment documents completes and/or amends the report. The drafter of environmental impact assessment documents must complete or amend the report and resubmit it to the EIA entities that have submitted comments and/or proposals. They shall examine, assess and submit, within 10 working days from the date of receipt of the supplemented and/or amended report, reasoned conclusions regarding the report and the draft environmental impact assessment documents of the proposed economic activity.

8. An environmental impact assessment entity which has identified deficiencies in a report on a proposed economic activity falling within the overriding public interest and considered to be important for public safety shall, before submitting reasoned requirements for the drafter of environmental impact assessment documents to supplement or amend the report, inform, in accordance with the procedure laid down by the Minister for the Environment, no later than the expiry of the time limit laid down in paragraph 5 of this Article, a meeting on its own initiative or at the request of the drafter of environmental impact assessment documents to discuss the deficiencies identified in the report.

9. The drafter of environmental impact assessment documents shall submit to the Competent authority a revised and/or supplemented report in accordance with the conclusions of the EIA entities, the conclusions of the EIA entities regarding the report and the environmental impact of the proposed economic activity and the proposals of the public concerned and the evaluation of the proposals.

10. Within 3 working days of receipt of the report, the competent authority shall, in accordance with the procedure laid down by the Minister for the Environment, publish a notice of receipt of the report to the public and access to it. Within 10 working days of the publication of the notice, the public concerned shall have the right to submit in writing to the competent authority proposals for an environmental impact assessment and report on the proposed economic activity.

11. If the report is substantially amended (the scope of the economic activity is changed, new technological and/or site alternatives are planned) or substantially amended (where the report does not adequately or insufficiently assess the potential environmental impact), the drafter of the environmental impact assessment documents, obliged by the competent authority or the organiser of the proposed economic activity, shall organise repeated public hearings in accordance with the procedure laid down in paragraph 3 of this Article.

12. Where, in the cases set out in paragraph 11 of this Article, the report is substantially amended or substantially amended, the drafter of the environmental impact assessment documents shall, after repeated public hearings, acquire new conclusions of the environmental impact assessment entities in accordance with the procedure laid down in paragraphs 4 to 7 of this Article and submit to the competent authority in accordance with the procedure laid down in paragraph 9 of this Article.

Article 12. Decision on the environmental impact of the proposed economic activity

1. The competent authority, having examined the proposals of the public concerned and the assessment of these proposals, having examined and evaluated the report, on the basis of the conclusions of the entities of the environmental impact assessment on the report and the impact of the proposed economic activity on the environment and taking into account the results of the meetings organised in accordance with paragraphs 8, 9 or 10 of this Article, within 25 working days from the date of receipt of the report, and within 20 working days from the date of receipt of the report on the report on a proposed economic activity classified in the overriding public interest and considered relevant to public security:

- 1) provide reasoned requests to amend or supplement the report; or
- 2) make a decision on the environmental impact of the proposed economic activity.

2. The competent authority, having identified deficiencies in a report on a proposed economic activity falling within the overriding public interest and considered important for public security, shall, before submitting reasoned requirements for the correction or completion of the report, inform,

in accordance with the procedure laid down by the Minister for the Environment, at the latest by the expiry of the period laid down in paragraph 1 of this Article, of the deficiencies identified and shall, on its own initiative or at the request of the drafter of the environmental impact assessment documents, organise a meeting to discuss the deficiencies identified in the report.

3. Where, in accordance with Article 6(7) of this Law, the competent authority uses consultants, it shall carry out the actions referred to in paragraph 1 of this Article and, on the basis of the conclusions of the consultants, submit reasoned requests to amend or supplement the report or adopt a decision on the environmental impact of the proposed economic activity within 50 working days of receipt of the report. The competent authority shall take a reasoned decision to involve consultants and submit it to the organiser of the proposed economic activity and to the drafter of the environmental impact assessment documents within 10 working days of receipt of the report.

4. The time limit for taking a decision on the environmental impact of the proposed economic activity may be extended once by no more than 25 working days, and due to the overriding public interest and considered important for public security, the proposed economic activity may be extended by no more than 20 working days, for objective reasons independent from the competent authority. The competent authority must notify the organiser of the proposed economic activity and the drafter of the environmental impact assessment documents at the latest 5 working days before the expiry of the deadline of the decision to extend the deadline, stating the reasons for the extension.

5. Where the Competent authority submits reasoned requests for amendment and/or completion of the report, the drafter of the environmental impact assessment documents must amend and/or supplement the report and resubmit it to the competent authority. The Competent authority shall examine the revised and/or supplemented report within 15 working days and within 10 working days of receipt of the amended and/or amended report for economic activities classified in the overriding public interest and considered important for public security, shall take a decision or, without prejudice to the provisions of Article 6(8) of this Law, shall resubmit the reasoned need to amend or supplement the report.

6. Where a transboundary environmental impact assessment has been carried out in respect of a proposed economic activity in accordance with the provisions of Article 10 of this Law, the drafter of the environmental impact assessment documents shall prepare and submit to the competent authority an assessment of the proposals of the State affected by the environmental impact before the decision on the environmental impact of the proposed economic activity is adopted.

7. Where a proposed economic activity is subject to the provisions of Article 10 of this Law or to the provisions of paragraph 12 of this Article concerning consultations with the European Commission, the time limit for taking a decision on the environmental impact of the proposed economic activity referred to in paragraphs 1, 2 and 4 of this Article shall not apply. Having regard

to the results of the cross-border consultations, the competent authority shall take a decision on the environmental impact of the proposed economic activity no later than 10 working days from the date of receipt of the assessment of the State affected by the environmental impact referred to in paragraph 6 of this Article. Where the European Commission has been consulted in accordance with paragraph 12 of this Article, the competent authority shall take a decision on the environmental impact of the proposed economic activity no later than 10 working days after the end of the consultation.

8. Where the environmental impact assessment entities' conclusions on the environmental impact of the proposed economic activity conflict with each other and/or the conclusion of the environmental impact assessment entity on the report and the environmental impact of the proposed economic activity are not in accordance with the provisions of Article 11(5) of this Law, the competent authority shall, before taking a decision on the environmental impact of the proposed economic activity, organise a meeting in accordance with the procedure laid down by the Minister for the Environment inviting the organisers of the proposed economic activity, the drafter of the environmental impact assessment documents and the environmental impact assessment entities referred to in this paragraph to consider the conclusions of the environmental impact assessment entities.

9. On receipt of proposals from the public concerned in accordance with Article 11(10) of this Law, the competent authority shall, before taking a decision on the environmental impact of the proposed economic activity, organise a meeting in accordance with the procedure laid down by the Minister for the Environment to which the organisers of the proposed economic activity, the drafter of the environmental impact assessment documents and the representatives of the public concerned who have submitted proposals shall be invited to consider proposals from the public concerned.

10. Where the competent authority has doubts as to the compliance of the proposed economic activity with the requirements of legal acts or the potential significant adverse effects on the environment, the competent authority shall, before taking a decision on the environmental impact of the proposed economic activity, organise a public meeting in accordance with the procedure laid down by the Minister for the Environment, invite the organisers of the proposed economic activity, the drafter of the environmental impact assessment documents and, where appropriate, the consultants, if they have been used in accordance with Article 6(7) of this Law, and the entities of the environmental impact assessment to consider changes in the scale or location of the proposed economic activity or the conditions and/or measures to avoid possible significant adverse effects on the environment.

11. If the organiser of the proposed economic activity, the drafter of the environmental impact assessment documents, the subject of the environmental impact assessment and/or the representative(s) of the public concerned, to inform about the consideration in accordance with the

procedure laid down by the Minister for the Environment, does not participate in the consideration of the conclusions of the environmental impact assessment entities and/or the proposals of the public concerned, the competent authority shall consider the proposals received without their participation.

12. Where it is established that the implementation of a proposed economic activity will have significant negative effects on Natura 2000 sites of the European ecological network and there are no alternative solutions to the proposed economic activity, the competent authority shall take a decision on the environmental impact of the proposed economic activity, with the exception of the decision referred to in paragraph 18 of this Article, only where the proposed economic activity must be carried out for imperative reasons of overriding public interest, including those of a social or economic nature. For the purposes of the decision, imperative reasons of overriding public interest, including those of a social or economic nature, shall be deemed to exist where it has been demonstrated that the proposed economic activity is necessary because of actions or plans aimed at defending the fundamental values of citizens' lives (health, security, the environment) or for basic State and public policy programmes, or for the pursuit of economic or social activities and the provision of public services. In such cases, measures to restore or improve the natural habitats, habitats or species populations of natural habitats, species or species shall be envisaged and implemented to preserve the integrity of the European ecological network in a part of the same site, an enlarged site, another site or a new site to be included in the designated ecological network, or other compensatory measures with equivalent compensatory effects, where it is demonstrated that the measures taken to such an extent will be fully effective in restoring the structure and functionality of the site in the short term or outweigh the adverse effects of the implementation of the proposed economic activity. Compensatory measures shall be designed and implemented in such a way as to precede the negative effects of the implementation of the proposed economic activity. The institution of protected areas authorised by the Minister for the Environment shall inform the European Commission of these compensatory measures in accordance with the procedure laid down by the Minister for the Environment. Where the Natura 2000 site concerned hosts a priority natural habitat type and/or a priority plant or animal species, the only possible reasons for the existence of overriding reasons of overriding public interest relate to human health or public safety or to important environmental benefits. As regards the possibility of adapting the grounds relating to imperative reasons of overriding public interest other than those stated, it is necessary to refer its opinion to the European Commission in accordance with the procedure laid down by the Minister for the Environment.

13. The decision on the environmental impact of the proposed economic activity shall state: contact details of the organiser of the proposed economic activity and the drafter of the environmental impact assessment documents; the name, location and description of the proposed economic activity; conditions for the implementation of the proposed economic activity and measures to prevent, reduce,

compensate for, and restore significant adverse effects on the environment; description of the environmental monitoring/monitoring measures, if applicable; summary of the findings of the EIA entities; information on the information and participation of the public, including a summary of the reasons on which the public's proposals were accepted and/or rejected; information on the cross-border procedures carried out, where applicable, and their outcome; the reasons on which the decision is based; which specific alternative(s) are accepted or rejected if the report examines the alternatives; the nature of the decision on the environmental impact of the proposed economic activity; the procedure for appealing against the decision on the environmental impact of the proposed economic activity. The form of a decision on the environmental impact of the proposed economic activity shall be determined by the Minister for the Environment.

14. The competent authority shall submit a decision on the environmental impact of the proposed economic activity to the entities of the environmental impact assessment, to the organiser of the proposed economic activity and to the drafter of the environmental impact assessment documents in writing. The competent authority shall, in accordance with the procedure laid down by the Minister for the Environment, publish a decision on the environmental impact of the proposed economic activity to the public within 3 working days of its adoption. Where the proposed economic activity has undergone transboundary environmental impact assessment procedures in accordance with the provisions of Article 10 of this Law, the competent authority shall, in accordance with the procedure laid down by the Minister for the Environment, inform the coordinating authority of the decision within 5 working days from the date of its adoption.

15. A decision taken by the competent authority on the environmental impact of the proposed economic activity shall be valid for a period of 5 years from the date of its adoption, except for the decision referred to in paragraph 18 of this Article, which shall be valid for an indefinite period. When carrying out an economic activity, the conditions laid down by the competent authority in the decision on the environmental impact of the proposed economic activity and/or measures to prevent, reduce, compensate and/or restore significant adverse effects on the environment must be fulfilled, even if the period of validity of the decision has expired.

16. The competent authority may, in accordance with the procedure laid down by the Minister for the Environment, adopt a decision extending the validity of the decision on the environmental impact of the proposed economic activity for a period not exceeding 5 years within 15 working days of the reasoned application submitted by the organiser of the proposed economic activity for the extension of the validity of the decision, if the organiser of the proposed economic activity has provided reasonable information that the proposed economic activity, the conditions for its execution and its location, on the basis of which the decision on the environmental impact of the proposed economic activity has not changed.

17. The competent authority shall, in accordance with the procedure laid down by the Minister for the Environment, publish a decision on the extension of the decision on the environmental impact of the proposed economic activity.

18. If the competent authority takes a decision on the environmental impact of the proposed economic activity, that the proposed economic activity does not comply with the requirements of environmental protection, public health, protection of immovable cultural heritage, fire protection and civil protection legislation, and it will have a significant negative impact on the environment, the permit referred to in Article 3(3) of this Law shall not be granted and the proposed economic activity may not be carried out.

19. The decision of the competent authority on the environmental impact of the proposed economic activity, including the conditions and/or measures laid down therein to prevent, reduce, compensate, restore the damage to the environment, shall be binding on the organiser of the proposed economic activity during the preparation of the economic activity and/or the completion of the economic activity and/or the completion of the economic activity.

Article 16. Access to justice for participants in the screening process for environmental impact assessment and environmental impact assessment

1. The public shall have the right to apply to the court if it considers that its request, submitted in accordance with the procedure laid down by the legislation governing the screening processes for environmental impact assessment and environmental impact assessment, has been unlawfully rejected, partially or fully incorrectly answered, or the request has not been duly taken into account in accordance with the legislation governing the screening processes for environmental impact assessment and environmental impact assessment.

2. The public concerned shall have the right to bring an action before the courts challenging the substantive or procedural legality of the screening of decisions, acts or omissions for the purposes of environmental impact assessment and environmental impact assessment.

3. Decisions or actions (inactions) of the competent authority relating to the adoption of decisions may be appealed in accordance with the procedure laid down in the Law of the Republic of Lithuania on the Procedure for the Pre-trial Settlement of Administrative Disputes or the Law on Administrative Proceedings of the Republic of Lithuania.
